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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,493	09/02/2003	Yun Soo Choe	1670.1015	2730

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PAIK, SANG YEOP

ART UNIT PAPER NUMBER

3742

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,493

Applicant(s)

CHOE ET AL.

Examiner

Sang Y Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 7, 9, 11-13 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow (US 5,157,240) in view of Yahav et al (US 5,221,829).

Chow shows a heating crucible having a main body container, a cover formed of an insulating material such as the nitride ceramic with a nozzle, a cover heater formed as a thin film on a top surface of the cover, a body heater for heating the main body, the cover heater having a single wire pattern with the positive and negative thermals, a thermocouple in the cover, a heat-resistance layer on the cover heater, the main body also formed of an insulating material such as the nitride ceramic with a body heater as a thin film on the outer wall of the main body, the body heater having a single wire pattern with the positive and negative terminals, the body heater is also formed on the bottom portion of the main body, and a thermocouple inside the main body. However, Chow does not show a heat reflective layer between the heater and the heat-resistant layer.

Yahav shows a heating device having a heating element (31) deposited to an insulating substrate (12), the heating element further provided with a heat-resistant layer (34) on the heating element with a layer (30) made of a metal would reflect the heat generated by the heating element toward the intended heating surface. In view of Yahav, it would have been obvious to

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one of ordinary skill in the art to adapt Chow with a reflective layer to reflect the heat generated by the heater toward an intended heating direction.

With respect to claim 9, Chow shows the cover having a nozzle in the center of the cover with a cover heater provided around the nozzle. However, while, Chow does not show that the cover heater concentric pattern around the nozzle, it would have been obvious to one of ordinary skill in the art to provide the cover heater in the concentric pattern or any other pattern to affectively provide uniform and stable heating across the cover.

3. Claims 3, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Yahav as applied to claims 1, 2, 4, 7, 9, 11-13 and 16-25 above, and further in view of Kano et al (US 6,242,719).

Chow in view of Yahav shows the heating crucible claimed except the cover heater being platinum.

Kano shows a heating element such as platinum or graphite deposited on an insulating ceramic layer such as pyrolytic boron nitride or aluminum nitride. In view of Kano, it would have been obvious to one of ordinary skill in the art to adapt Chow, as modified by Yahav, with the cover heater made of platinum as an alternative conductive material that can alternatively provide stable and uniform heating temperature, and with respect to claim 14, it would have been obvious to further provide insulating material made of aluminum nitride that alternatively provide a good electrical and thermally conductive material.

4. Claims 8, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Yahav as applied to claims 1, 2, 4, 7, 9, 11-13 and 16-25 above, and further in view Bichrt (US 6,162,300).

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Chow in view of Yahav shows the heating crucible claimed except the cover or the main body is made of alumina or silicon carbide

Bichrt shows a ceramic body made of alumina or silicon carbide as well as pyrolytic boron nitride. In view of Bichrt, it would have been obvious to one of ordinary skill in the art to adapt Chow, as modified by Yahav, with the cover and the main body made of alumina or silicon carbide in place of the pyrolytic boron nitride since such is well known in the art to alternatively provide a mechanically and thermally stable body that can withstand a temperature, pressure and chemical stress.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chow in view of Yahav as applied to claims 1, 2, 4, 7, 9, 11-13 and 16-25 above, and further in view Maeda et al (US 5,233,166) or Okuda et al (US 4,804,823).

Chow in view of Yahav shows the heating crucible claimed except the cover heater is made of conductive paste with metal particles and metal oxides.

Maeda and Okuda show that it is known in the art to provide a conductive paste made with metal particles or metal oxides applied to a ceramic substrate to form an electrical heater. In view of Maeda or Okuda, it would have been obvious to one of ordinary skill in the art to adapt Chow, as modified by Yahav, with the cover heater made of conductive paste having the metal particles and metal oxides to form a heating element that can provide a mechanically and thermally stable heater that can also withstand a high temperature.

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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The applicant argues that the applied prior art does not show the claimed structure and, in particular, a reflective layer. It is noted that Yahav is applied to teach the reflective layer and the motivation to combine with Chow is stated in the ground of rejection. The applicant summarily argues that each of the prior art does not show the claimed elements of claim 1. While each of the references alone does not show the claimed elements, the combination of the references along with the motivation statements was made to reject each one of the claims. In absence of the applicant's argument as to why it was not proper to make such combinations of the prior art, the applicant's arguments are not deemed persuasive.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. R

Sang Y Paik
Primary Examiner
Art Unit 3742

syp